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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/698,174

10/30/2003

Howard Shelton Lambert

GB920020091US1

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02/27/2007

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EXAMINER

KOEMPEL THOMAS, BEATRICE L

ART UNIT

PAPER NUMBER

2132

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

02/27/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/698,174

Applicant(s)

LAMBERT ET AL.

Examiner

Bea Koempel-Thomas

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 January 2007 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

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### **DETAILED ACTION**

1. Claims 1-18 are pending in this application and presented for examination.
2. Claims 1-12 are presently amended.
3. Claims 13-18 have been newly presented in the amendment filed 10 January 2007.
4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office Action.

### ***Response to Arguments***

5. Applicant's arguments filed 10 January 2007, have been fully considered and they are persuasive inasmuch as Lambert does not explicitly disclose a "user specific table" as in the amended claims. Therefore, Lambert, arguably, may not anticipate amended claims 1-12.

### ***Objection to the Specification***

6. The amendment filed 10 January 2007, is objected to because of the following informalities: "environment (230)," (page 8 line 19, reference number added in the amendment), appears to refer to the same environment as "an environment (100)," (page 8 line 11). Different reference numbers should not be used for the same element. Appropriate correction is required.

### ***Objection to the Abstract***

7. The examiner accepts the amendment filed 10 January 2007, and the objection is withdrawn.

***Objection to the Drawings***

8. Figure 2 of the amended drawings filed 10 January 2007, is objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "230" and "100" have both been used to designate "the environment." Different reference numbers should not be used for the same element. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 101***

9. The following is a quotation of 35 U.S.C. 101:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

10. Claims 12, 17 and 18 are rejected under 35 U.S.C. 101 because claims 12, 17 and 18 could reasonably be drawn to non-functional descriptive material, per se, i.e., "a computer program on a tangible medium" may be taken to mean a program listing recorded on a computer-readable storage medium without any functional interrelationship, and as such, claims 12, 17 and 18, would be directed to non-statutory subject matter. The specification does not preclude this

interpretation. Further, claims 12, 17 and 18 do not necessarily transform a physical object to a different state or thing nor produce a useful, concrete and tangible result.

***Claim Rejections - 35 USC § 103***

**11. Claims 1-8 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holvey et al., U.S. Patent Publication No. 2004/0054935 A1, (hereinafter “Holvey”), in view of Mashayekhi U.S. Patent No. 5,818,936, (hereinafter “Mashayekhi”).**

**12. Regarding claims 1, 11 and 12:** Holvey discloses a data processing system (Title), method (Title), and an executable computer program on a tangible medium ([0038] software), respectively, for controlling access of at least one user to stored data comprising:

means, responsive to a request from the user to access a set of the stored data that is available to the at least one user, for authenticating the user ([0022] requesting user authenticated via voice-print or ID and password); and

a user specific table associated with the user (patient medical records and associated authorized users), wherein the user specific table identifies the set ([0023]-[0024] Table 1).

Holvey does not disclose decrypting the user specific table or accessing the set in response to successful decryption.

Mashayekhi discloses means, responsive to successful authentication, for decrypting a user specific table associated with the user (col. 3-4, ll. 54-3, decrypting); and means, responsive to successful decryption, for accessing the set (col. 3-4, ll. 54-3, forwards proper secret).

As one of ordinary skill in the art at the time of the invention would know, encrypting documents has been well-known since long before the invention. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Holvey by encrypting and decrypting data as taught by Mashayekhi in order to maintain confidentiality of users' information, (*see* Mashayekhi, col. 3 ll. 20-21).

13. **Regarding claim 2:** Holvey discloses that the user specific table comprises data associated with the location of the set ([0032] hyperlinks).

14. **Regarding claim 3:** Holvey does not disclose that the set is encrypted or that the user specific table comprises data associated with decryption of the set.

Mashayekhi discloses that the set is encrypted and the user specific table comprises data associated with decryption of the set (col. 3-4, ll. 54-3, private key for decrypting).

Encrypting documents has been well-known since long before the invention, therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Holvey by encrypting and decrypting data as taught by Mashayekhi in order to maintain confidentiality of users' information, (*see* Mashayekhi, col. 3 ll. 20-21).

15. **Regarding claim 4:** Holvey discloses a set comprising all of the stored data ([0023] complete set of rights).

16. **Regarding claim 5:** Holvey discloses a set comprising portion of the stored data ([0023] limited rights).

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17. **Regarding claim 6:** Holvey discloses a request initiated by presentation of a token by the user ([0022] token).

18. **Regarding claim 7:** Holvey discloses a token comprising means associated with an identity of the user ([0022] user specific token).

19. **Regarding claim 8:** Holvey discloses a means associated with the identity of the user derived from one or more biometric characteristics associated with the user ([0022] and [0031] voice-print).

20. **Regarding claim 10:** Holvey discloses stored data capable of access by more than one user ([0023] owners/patients and other authorized users), and means for accessing data associated with each user of the more than one users ([0023] patients have complete access, other authorized users' access is controlled by patients).

21. **Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Holvey and Mashayekhi as applied to claim 1 above, and further in view of Chadwick, "Smart Cards Aren't Always the Smart Choice," IEEE Computer, December 1999, v. 32, issue 12, pp. 142-143, (hereinafter "Chadwick").**

22. **Regarding claim 9:** Holvey discloses a token ([0022]). Holvey does not disclose the token comprising the means for decrypting. Mashayekhi discloses a token comprising the means for decrypting (Abstract and col. 3-4, ll. 54-3, private key for decrypting).

As one of ordinary skill in the art at the time of the invention would know, software tokens have been well-known since long before the invention, (*see* Chadwick, p. 142, col. 1-2, regarding public/private key infrastructure software tokens). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Holvey by encrypting and decrypting data as taught by Mashayekhi in order to maintain confidentiality of users' information, (*see* Mashayekhi, col. 3 ll. 20-21).

**23. Claims 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Holvey and Mashayekhi as applied to claim 1 above, and further in view of Mita et al., U.S. Patent Publication No. 2002/0035485 A1, (hereinafter "Mita").**

**24. Regarding claims 13, 15 and 17:** Holvey discloses additional user specific tables for each additional user ([0007] patient database, i.e., collection of patient tables).

Mita discloses means for attempting to decrypt, in turn, each of the user specific tables until a successful decryption occurs ([0042] sequential search).

As one of ordinary skill in the art at the time of the invention would know, sequential searching has been well-known since long before the invention. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Holvey by sequential searching as taught by Mita in order to access stored personal including medical data (*see* Mita, Title).



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25. **Regarding claims 14, 16, and 18:** Holvey discloses that the user specific table comprises data associated with the location of the set ([0032] hyperlinks).

### ***Conclusion***

26. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is:

- Mok et al., U.S. Patent Publication No. 2003/0140044 A1, regarding a patient directed system and method for managing medical information.
- Kennedy et al., U.S. Patent No. 6,084,967, regarding a radio telecommunication device and method of authenticating a user with a voice authentication token.
- Glaser, et al., U.S. Patent No. 7,089,553 B1, regarding a method, system, computer program product, and article of manufacture for downloading a remote computer program according to a stored configuration.

27. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

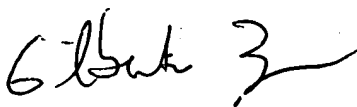
Please direct any inquiry concerning this communication or earlier communications from the examiner to Bea Koempel-Thomas whose telephone number is 571-270-1252. The examiner can normally be reached on Monday - Thursday & alternate Fridays; 0730 - 1700.

If attempts to reach the examiner by telephone are unsuccessful, please contact the examiner's supervisor, Gilberto Barron, at 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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2/24/2007

  
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